

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----  
UNITED STATES OF AMERICA

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/21/07

-v.-

MARLON COLE,

Defendant.

NOLLE PROSEQUI

07 Cr. 386 (CM)

1. The filing of this nolle prosequi will dispose of this case with respect to MARLON COLE, the defendant.

2. On May 7, 2007, MARLON COLE, the defendant, waived indictment before Magistrate Judge Michael H. Dolinger. The Information, 07 Cr. 386 (CM), charges MARLON COLE, the defendant, with unlawfully, willfully, and knowingly, in a matter within the jurisdiction of the executive branch of the Government of the United States, falsifying concealing, and covering up by a trick, scheme, and device a material fact, and making a materially false, fictitious, and fraudulent statement and representation, making and using a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code Section, 1001.

3. Based upon a review of the evidence and information pertaining to this defendant acquired subsequent to the filing of the Information, it has been concluded that further

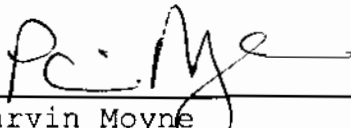
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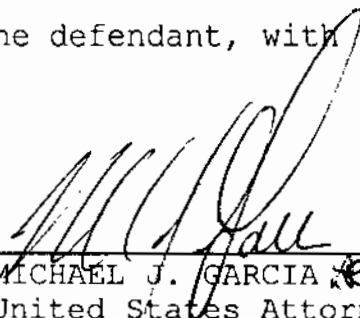
prosecution of MARLON COLE, the defendant, would not be in the interests of justice.

4. In light of the foregoing, I recommend that an order of nolle prosequi be filed as to defendant MARLON COLE with respect to Information 07 Cr. 386.

  
\_\_\_\_\_  
Parvin Moyne  
Assistant United States Attorney  
(212) 637-2510

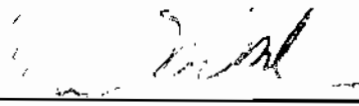
Dated: New York, New York  
May 30, 2007

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of nolle prosequi be filed as to defendant MARLON COLE, the defendant, with respect to Information 07 Cr. 386.

  
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MICHAEL J. GARCIA  
United States Attorney  
Southern District of New York

Dated: New York, New York  
May 30, 2007

SO ORDERED:

  
\_\_\_\_\_  
HON. COLLEEN McMAHON  
United States District Judge  
Southern District of New York

Dated: New York, New York  
August 21, 2007